THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No. 10824 of 1996

DATE: 14-11-2006

Between:

Raj Kamal Poultries rep., by its Managing Partner
Kanumuri Varahala Raju, Savarapalli, Bogapuram Mandal,
Vizianagaram district.

..Petitioner.

And

The Dy. Commissioner of Labour,
Government of Andhra Pradesh, Visakhapatnam and two others.

..Respondents

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W.P. No. 10824 of 1996

O R D E R:

This writ petition is filed seeking a direction to the respondents not to register any trade union in the petitioner-establishment contrary to the provisions of the Trade Unions Act, 1926 with outsiders, without verifying and being satisfied that they are the employees/workmen of the petitioner-Union.

The petitioner, which is engaged in poultry business, is registered under the provisions of the A.P. Shops & Establishments Act, 1988. The petitioner states that they are paying contributions to the A.P. Labour Welfare Fund since 1993. The officials of the Assistant Commissioner of Labour and the Government of A.P., Vizianagaram, who visited their establishment many occasions, were satisfied with the maintenance of records. While so, some of the persons, with ulterior motives, approached the 1st respondent, namely the Deputy Commissioner of Labour, to register their group as a Trade Union in the petitioner establishment representing themselves as terminated employees of the petitioner establishment.

The petitioner states that they made a detailed representation requesting the 1st respondent to cause an enquiry/investigation as to the *bona fides* of the applicants with the petitioner, before registering them as a Trade Union. The petitioner states though the right to form an association or Trade Union is a fundamental right, but in its registration, the procedure laid down under the Trade Unions Act, 1926 has to be followed. He thus prayed for appropriate directions to the registering authorities.

The learned Government Pleader for Labour though took time to

file counter, till date no counter is filed.

The writ petition, though was admitted on 11.06.1996, no interim directions were granted. It is not known whether during the pendency of the writ petition, the Trade Union was registered or not. Be that as it may, the petitioner cannot assume that the 1st respondent would not follow the procedure laid down under the Trade Unions Act, 1926 in the matter of registering a Trade Union in their organization. The petitioner, admittedly, submitted a detailed representation, and certainly the respondents would look into the same. But merely on apprehension that the 1st respondent may register the Trade Union without following the procedure laid down under the Trade Unions Act, 1926 the writ petition is not maintainable. If the 1st respondent registers the Trade Union without following the procedure laid down under the Trade Unions Act, 1926, then the petitioner would be at liberty to assail the same by way of a separate writ petition.

The writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J

Dated: 14 -11-2006
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